

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

AFTERMATH CLEANING COMPANY,
INC.,

Plaintiff,

v.

AFTERMATH, INC.,

Defendant.

CIVIL ACTION NO. 05-11302 NG

AFFIDAVIT OF BRENDA M. COTTER

I, Brenda M. Cotter, do hereby depose and state as follows:

1. Attached hereto as Exhibit A is a true and accurate copy of the United States Patent and Trademark Office ("USPTO") Registration Number 2,706,559 as printed off the USPTO Web Site at www.uspto.gov.

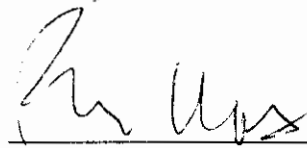
2. As noted in the record attached as Exhibit A, defendant Aftermath, Inc. applied to federally register the word mark "Aftermath" on February 4, 2002 and alleged a date of first use of April 20, 1999. The mark was registered on April 15, 2003.

3. Attached hereto as Exhibit B is a letter to the USPTO in connection with the application to register the word mark "Aftermath." It is dated September 25, 2002 and signed by Chris Wilson, President of defendant Aftermath, Inc. I printed this letter off the web site at www.uspto.gov. In the letter, Mr. Wilson asserts that "to the best of [his] knowledge and belief, no other person, firm, corporation, or association has the right to use the mark in commerce, either in identical form thereof or in such near resemblance thereto as to be likely, when used in

connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive...”

4. Attached hereto as Exhibit C is a page printed from www.networksolutions.com showing that Aftermath, Inc. created its web site on October 15, 2002.

Signed under the pains and penalties of perjury this 26th day of July, 2005.



Brenda M. Cotter

1375303 v1 - cotterbm - 025173/0001



United States Patent and Trademark Office

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Typed Drawing

Word Mark	AFTERMATH
Goods and Services	IC 040. US 100 103 106. G & S: Decontamination of hazardous material, hazardous material removal and disposal, and property cleanup; decontamination and sanitation of crime and accident scenes. FIRST USE: 19990420. FIRST USE IN COMMERCE: 19990420
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	76366432
Filing Date	February 4, 2002
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	January 21, 2003
Registration Number	2706559
Registration Date	April 15, 2003
Owner	(REGISTRANT) Aftermath, Inc. CORPORATION ILLINOIS P.O. Box 6255 Aurora ILLINOIS 605980255
Attorney of Record	Theodore M. McGinn
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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NORTH SUBURBAN:

560 OAKWOOD, SUITE 101
LAKE FOREST, ILLINOIS 60045
TELEPHONE (847) 482-9740

September 24, 2002

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

United States Patent and
Trademark Office
Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513
Attn: James Bruno

Re: Serial Number: 76/366432
Applicant: Aftermath, Inc.
Mark: Aftermath

Dear Mr. Bruno:

As you are aware, we are the attorneys representing Aftermath, Inc. On September 3, 2002, you sent notice to our offices concerning their application for registration of the trademark "Aftermath". Enclosed is a copy of your correspondence. We are writing to amend the prior application in accordance with your correspondence.

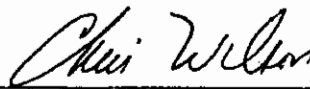
Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declare that I am properly authorized to execute this application on behalf of the applicant; I believe the applicant to be the owner of the trademark sought to be registered; that the mark is in use in commerce and was in use in commerce on or in connection with the services listed in the application as of the application filing date; to the best of my knowledge and belief, no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be

September 25, 2002
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likely, when used or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of my own knowledge are true and all statements made on information and belief are believed to be true.

Aftermath, Inc.



By: Chris Wilson
Its: President

Should you have any questions, or need any further information concerning this amendment or the application, please do not hesitate to contact me.

Sincerely,
LAVELLE LEGAL SERVICES, LTD.



Theodore M. McGinn

TMM:lh
Aftermath, Inc.
1682.002
C158\aftermath3.ltr

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WHOIS SEARCH RESULTS

aftermathinc.com

IMAGE NOT
AVAILABLE

Certified Offer Service - Make an offer on this domain
Backorder - Try to get this name when it becomes
available

Private Registration - Make personal information for this
domain private

SSL Certificates - Make this site secure

Site Confirm Seals - Become a trusted Web Site

Registrant:

Aftermath, Inc.
P.O. Box 6255
Aurora, IL 60598-0255
US
Phone: 800-366-9923

Make this info private

Domain Name: AFTERMATHINC.COM

Administrative Contact :

Aftermath, Inc.
info@3hamms.com
P.O. Box 6255
Aurora, IL 60598-0255
US
Phone: 800-366-9923

Technical Contact :

Aftermath, Inc.
3hamms@attbi.com
P.O. Box 6255
Aurora, IL 60598-0255
US
Phone: 800-366-9923
Fax: 123 123 1234

Record expires on 15-Oct-2008

Record created on 15-Oct-2002

Database last updated on 08-Jul-2004

Domain servers in listed order:

Manage DNS

NS1.FASTDNS.NET

66.70.216.113

NS2.FASTDNS.NET

64.33.120.76

Show underlying registry data for this record

aftermathinc

aftermathinc

aftermathinc

aftermathinc

aftermathinc

aftermathinc

aftermathinc

aftermathinc

aftermathinc

aftermathinc

aftermathinc

aftermathinc

aftermathinc

SEARCH AGAIN

Enter a search term:

e.g. networksolutions.c

Search by:

☒ Domain Name

☐ NIC Handle

☐ IP Address

SEARCH

Name you want
already taken

Make a Certified Offer

Current Registrar: NETWORK SOLUTIONS, LLC.
IP Address: 69.94.32.138 (ARIN & RIPE IP search)

IP Location: US(UNITED STATES)-CONNECTICUT-TRUMBULL
Record Type: Domain Name
Server Type: IIS 6
Lock Status: REGISTRAR-LOCK
Web Site Status: Active
DMOZ no listings
Y! Directory: see listings
Secure: No
E-commerce: No
Traffic Ranking: 4
Data as of: 08-Jun-2004

Keyword Alert S
 A **FREE** service to find
 the domain you want e

When you register a domain name, current policies require that the contact information for your domain name registration be included in a public database known as WHOIS. To learn about actions you can take to protect your WHOIS information visit www.internetprivacyadvocate.org.

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